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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY RCRA PERMITS SECTION

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

September 14, 1994

David Aggerholm
Manager, Environmental Management
Port of Seattle
P.O. Box 1209
Seattle, WA 98111

USEPA RCRA



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Dear Mr. Aggerholm:

Re: Port of Seattle Terminal 91

This letter is in response to your letter dated July 29, 1994, regarding cleanup of properties owned by the Port of Seattle (the Port). The letter requested my help to establish a prepaid position to work on the Terminal 91 site cleanup.

We are also very interested in getting this site remediated, and recently revisited this issue with EPA Region 10. Specifically, we revisited the approach described in the EPA/Ecology joint letter dated November 29, 1993 to John Stiller of Burlington Environmental Inc. (BEI) and Doug Hotchkiss of the Port. We looked for the most expeditious method to achieve the necessary site cleanup, and reached the conclusion that the RCRA HSWA permit process is the best mechanism to use for this site. We believe that site remediation will be achieved faster using this process than by using the MTCA "deferral" process outlined in the November 1993 letter. Some of the reasons supporting this decision are:

- It is in everyone's interest to proceed with corrective action at the site as soon as possible.
- Remediation of this site is a high priority for EPA.
- EPA has been the corrective action technical lead for the part of the site leased to BEI. The BEI leased property is now at the remediation stage of corrective action. EPA now needs to replace the existing RCRA Section 3008 (h) Order with a HSWA permit that expands corrective action authority to the entire site.
- The agencies are prepared to issue the draft HSWA permit by the end of September 1994. Final HSWA corrective action permit issuance could occur in December 1994. EPA must also issue a permit for non-corrective action HSWA requirements, including requirements for Waste Minimization, Land Disposal Restrictions, and Air Emissions Monitoring.

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Mr. David Aggerholm

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- To "defer" facility-wide corrective action requirements to a Model Toxics Control Act (MTCA) order or decree would delay implementation of HSWA corrective action at the site. Negotiation of a MTCA order or decree with multiple Potentially Liable Parties (PLPs) for this site would take a significant amount of time. It is difficult to predict how much time, but we believe that it would delay remediation activities by more than a year.

We suggest that representatives from the Port, EPA and Ecology meet to clearly delineate the steps to follow for HSWA permit issuance, permit schedules and site remediation. Dave Croxton of EPA will make the necessary arrangements for such a meeting.

Thank you for bringing this matter to my attention. Please don't hesitate to contact me at 649-7010 if you have questions regarding this letter.

Sincerely,



Mike Rundlett
Regional Director
Northwest Regional Office

cc: John Stiller, Burlington Environmental Inc.

Dave Croxton, EPA Region 10 *operations office*

Carol Kraege, TCP

Tom Cook, HWTR

Mary Burg, TCP

Megan White, HWTR